APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,602	12/27/1999	DAVID J. ALLARD	BC9-99-046-(	8982

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EXAMINER
NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/472,602	ALLARD ET AL.
	Examiner	Art Unit
	Chau Nguyen	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 November 2002_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .

DETAILED ACTION

1.   Amendment A, received on 11/18/2002, has been entered. Claims 1-20 are

presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> . manner in which the invention was made.

3.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Beser, US Patent No. 6,212,563 and Sistanizadeh et al. (Sistanizadeh), US Patent No.

6,101,182, and further in view of Ditmer et al. (Ditmer), US Patent No. 6,490,620.

4.   As to claim 1, Beser discloses the invention as claimed, a broadband Internet

Protocol (IP) based network, comprising:

at least one customer coupled to the network via a broadband multi service proxy

server (BMPS) including a database and a router (Abstract, col. 3, lines 27-49, and

Figs. 1, 2, and 5: Customer Premise Equipment 18 coupled to the network via multiple

DHCP proxies 15 (BMPS), DHCP server including DHCP database, and telephony

remote access concentration (TRAC) having routing function);

means for generating a DHCP message in a customer request for all IP services

(col. 2, lines 60-67 and col. 3, lines 27-49: DHCP client sends a DHCPREQUEST

message to DHCP server, the server sends a DHCPPACKNOWLEDGE message; thus,

the IP address is assigned to the client);

means for receiving and routing the customer request and extended DHCP request

for providing IP services to the customer (Abstract, col. 3, lines 27-49; col. 5. line 40 –

col. 7, line 23: allocating IP address for network devices using the DHCP wherein the

DHCP server returns the requested IP address every time the IP address is requested);

However, Beser does not substantially disclose means for registering the at least one

customer with a selected Internet Service Provider (ISP) for all IP services, prior to

receiving the services; means responsive to the registration for storing in the database

a customer identification, ID and password; and means for directing future customer

request for all IP services directly to the selected ISP based on the updated routing

tables thereby bypassing standard Internet DHCP protocol.   In the same field of

endeavor, Sistanizadeh discloses a user desires to use a different Internet Service

Provider to request for IP services by providing a different username and password

(col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B); DHCP

server engages in an initial exchange with the customer to obtain MAC address, the

customer name and password (col. 10, lines 15-60, col. 11, lines 26-39, and col. 12,

lines 31-46); To add new users to the network or remove users from the service, some

mechanism is needed to retrieve subscription information and update this information

as required by network management and this may be performed by the Simple Network Management Protocol (SNMP) now available in the Telco network (col. 9, lines 31-45). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated means for registering the at least one customer with a selected Internet Service Provider (ISP) for all IP services, prior to receiving the services; means responsive to the registration for storing in the database a customer identification, ID and password; and means for directing future customer request for all IP services directly to the selected ISP based on the updated routing tables thereby bypassing standard Internet DHCP protocol in a system and method for providing Internet access via a Public Switched Telecommunication Network as taught by Sistanizadeh into a method a system for setting and managing externally provided Internet Protocol addresses using the Dynamic Host Configuration Protocol of Beser, thereby resulting in the claimed invention, because it would make users have more choices of using desired ISP.

However Beser and Sistanizadeh do not substantially disclose proxy server is a broadband proxy. In the same field of endeavor, Ditmer disclose the Dispatcher server 26 includes an integrated Broadband proxy application to forward user requests and responses to/from the Broadband server process 250 and to enable the Broadband functionality (col. 12, lines 36-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Beser,

Sistanizadeh, and Ditmer to include a broadband proxy since Ditmer suggests that using broadband proxy to initiate browser requests and receive server responses.

5.   As to claim 2, Beser and Sistanizadeh and Ditmer (Beser-Sistanizadeh-Ditmer) disclose the broadband network comprising:

modem means for coupling the customer to the network (Beser, col. 5, lines 17-31); and

means for generating a unique customer address as part of the DHCP request (Beser, col. 3, lines 7-49).

6.   As to claim 3, Beser-Sistanizadeh-Ditmer disclose means for storing customer address information in the database (Beser, col. 13, lines 50-64; Sistanizadeh, col. 10, lines 15-60: DHCP server engages in an initial exchange with the customer to obtain the MAC address, the customer name and password).

7.   As to claim 4, Beser-Sistanizadeh-Ditmer disclose means for mapping the unique customer address to the DHCP request (Beser, col. 3, lines 27-49; Sistanizadeh, col. 10, lines 15-25: a customer is connected to the desired ISP using a Login and Password mechanism whereby the DHCP server prompts a computer making an IP Request).

8.   As to claim 5, Beser-Sistanizadeh-Ditmer disclose routing means coupled to the

BMPS for serving a plurality of ISPs (Sistanizadeh, col. 5, line 29 – col. 6, line 3:

information providers (Ips) such as AOL and Compuserve are shown in Fig. 3 at 354

and 356 connected to the ISPs by T1 lines 358 and 360; Beser, col. 6, lines 9-18:

multiple DHCP proxies 15).

9.   As to claims 6 and 13, Beser-Sistanizadeh-Ditmer disclose a broadband multi

service proxy server, comprising:

      means coupling the server via a router to a broadband IP based network serving

a plurality of customers (Beser, Abstract, col. 3, lines 27-49, col. 12, line 57 – col. 13,

line 19 and Figs. 1, 2, and 5: Customer Premise Equipment 18 coupled to the network

via multiple DHCP proxies 15 (BMPS), DHCP server including DHCP database, and

telephony remote access concentration (TRAC) having routing function; Ditmer, col. 12,

lines 36-65);

      means coupling the server and the router to an IP network via at least one

Internet Service Providers (ISP) in a plurality of ISPs (Sistanizadeh, col. 5, line 29 – col.

6, line 3);

      means for generating a customer request including a DHCP message for access

to the IP network, the extended DHCP message including an identification of a selected

ISP for all ISP services (Beser, col. 3, lines 27-49; col. 5. line 40 – col. 7, line 23);

means enabling the customer to access the selected ISP of choice for IP network services (Beser, col. 3, lines 27-49; col. 5. line 40 – col. 7, line 23; Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B); and

means for directing future customer requests for IP services directly to the selected ISP after updating routing tables in the router thereby bypassing standard Internet DHCP protocol (Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B : a user desires to use a different Internet Service Provider to request for IP services by providing a different username and password; col. 10, lines 15-60, col. 11, lines 26-39, and col. 12, lines 31-46: DHCP server engages in an initial exchange with the customer to obtain MAC address, the customer name and password.

10.   As to claim 7, Beser-Sistanizadeh-Ditmer disclose means for generating a unique address for a customer and storing the address in the server as an origination source for a customer request (Beser, col. 3, lines 27-49, col. 13, lines 50-64).

11.   As to claim 8, Beser-Sistanizadeh-Ditmer disclose means for pre- registering a customer for IP service with an ISP prior to generating a customer request (Sistanizadeh, col. 8, lines 8-22); and

means for sending the server customer ID and password for customers registered by the ISP (Sistanizadeh, col. 8, lines 8-22) .

12.   As to claim 9, Beser-Sistanizadeh-Ditmer disclose means for sending a DHCP and unique customer address in a customer request for access to the IP network (Beser, col. 3, lines 7-49);

means for receiving the customer request and storing the unique customer address in a database coupled to the server (Beser, col. 13, lines 50-64).

13.   As to claim 10, Beser-Sistanizadeh-Ditmer disclose means for sending the server an extended DHCP response and customer assigned address for customer requests validated by the ISP (Beser, col. 3, lines 27-49; col. 5. line 40 – col. 7, line 23).

14.   As to claim 11, Beser-Sistanizadeh-Ditmer disclose means for mapping validated customer requests to a unique customer address (Beser, col. 3, lines 27-49); and

means emulating the ISP and sending the customer a DHCP response to the customer request (Beser, col. 2, line 2 – col. 3, line 18).

15.   As to claim 12, Beser-Sistanizadeh-Ditmer disclose means for validating a customer request for access to the IP network at the ISP of customer choice (Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B).

16.   As to claim 14, Beser-Sistanizadeh-Ditmer disclose mapping the DHCP message to the customer at a unique network address (Beser, col. 3, lines 27-49).

17.   As to claim 15, Beser-Sistanizadeh-Ditmer disclose emulating the ISP by the

server means and sending a DHCP reply to the customer followed by updating the

switching means to allow the customer to access the ISP of choice (Beser, col. 3, lines

27-49; col. 5. line 40 – col. 7, line 23; Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 –

col. 13, line 27, and Figs. 1, 8A, and 8B).

18.   As to claim 16, Beser-Sistanizadeh-Ditmer disclose checking the extended

DHCP message by the ISP to determine if the customer is approved to receive IP

services (Beser, col. 6, line 9 - col. 7, line 23).

19.   As to claim 17, Beser-Sistanizadeh-Ditmer disclose notifying the server when the

ISP determines the customer is not approved to receive IP services (Sistanizadeh, col.

11, lines 18-39).

20.   As to claim 18, Beser-Sistanizadeh-Ditmer disclose sending the server a

customer ID and password for customers registered by the ISP (Sistanizadeh, col. 10,

lines 15-24).

21.   As to claim 19, Beser-Sistanizadeh-Ditmer disclose sending the server extended

DHCP response and customer assigned address for customer requests validated by the

ISP (Beser, col. 3, lines 27-49; col. 5. line 40 – col. 7, line 23; Sistanizadeh, col. 1, lines 8-15, col. 12, line 47 – col. 13, line 27, and Figs. 1, 8A, and 8B).

22.   As to claim 20, Beser-Sistanizadeh-Ditmer disclose the unique customer address is a MAC address (Sistanizadeh, col. 10, lines 25-31).

Response to Arguments

23.   Applicant's arguments filed on Nov 18, 2002 have been fully considered but they

deemed to be persuasive. Applicant's arguments with respect to claims 1-20 have been

considered but are moot in view of the new ground(s) of rejection as explained here

below, necessitated by Applicant's substantial amendment (i.e., broadband multi service

proxy server; means for registering to the at least one customer with a selected Internet

Service Provider for all IP services prior to receiving the services) to the claims which

significantly affected the scope thereof.

THIS ACTION IS MADE FINAL.   Applicant is reminded of the extension of time

policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chau Nguyen whose telephone number is (703) 305-

4639. The examiner can normally be reached at 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 746-

7239. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3230.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

Or Faxed to:

(703) 746-7239, (for **formal communications**; please mark
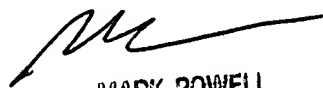
"EXPEDITE PROCEDURE").

Or:

(703) 746-7240 (for **informal or draft communications**, please label

"PROPOSED" or "DRAFT").

Or:

(703) 746-7238 (for **After Final Communications**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist).

Chau Nguyen
Patent Examiner
Art Unit 2142

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